1 2 3 4	JON A. HEABERLIN (SBN 199810) RANKIN STOCK HEABERLIN 96 No. Third Street, Suite 500 San Jose, California 95112-7709 Telephone: (408) 293-0463 Facsimile: (408) 293-9514		
5	Attorneys for Defendants COUNTY OF SAN BENITO, MIKE MULL, VICTOR CASADA		
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8	IN THE UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11			
12	NANCY MARTINEZ,) Case No. 3:15-CV-00331 JST	
13	Plaintiff,) STIPULATION AND PROPOSED ORDER	
14	VS.) REGARDING ISSUE OF POSSIBLE NEW CLAIM BY PLAINTIFF NANCY MARTINEZ	
15	COUNTY OF SAN BENITO, MIKE MULL, VICTOR CASADA, and		
16	DOES 1-50,		
17	Defendants.		
18		ý ,	
19	WHEREAS on October 30, 2017, Plaintiff NANCY MARTINEZ presented a new		
20	claim under the California Government Code to the County of San Benito for an incident		
21	with County Sheriffs' deputies that occurred on or about April 29, 2017;		
22	WHEREAS the claim was rejected by operation of law on or about December 14,		
23	2017;		
24	WHEREAS during the Case Management Conference on December 6, 2017,		
25	defense counsel raised the issue of whether Plaintiff Martinez would be filing a new		
26	lawsuit, and whether that new lawsuit should be consolidated with the present litigation for		
27	one jury trial; and		
28	WHEREAS His Honor asked the parties to meet and confer on how to address this		
	Stipulation and Proposed Order Regarding Issue of New Claim by Plaintiff Nancy Martinez - CV-00331 JST		

1	Issue in light of the pending case schedule and the Court's reluctance to amend it once	
2	again;	
3	THE PARTIES HEREBY STIPULATE, THROUGH THEIR COUNSEL OF RECORD	
4	HEREIN:	
5	1. Plaintiff NANCY MARTINEZ shall decide by January 15, 2018 whether she	
6	intends to litigate any claims relating to her April 29, 2017 incident in connection with the	
7	present litigation.	
8	2. Should she elect to litigate the new claims with this case, she must file an	
9	proposed amended complaint by January 15, 2018. If she does so, the parties shall	
10	immediately meet and confer on an expedited discovery plan that contemplates the new	
11	claims, but does not affect the case schedule as ordered by the Court in the Amended	
12	Scheduling Order and Order Dismissing Summary Judgment as Moot (Docket 71) with the	
13	following exceptions: the Court will consider a reasonable extension on the fact discovery	
14	cut-off, and expert disclosure deadlines to the extent those implicate the new claims only.	
15	JOHN KEVIN CROWLEY, ESQ.	
16		
17	DATED/s/ Dec. 15, 2017 /s/ John Kevin Crowley, Esq. JOHN KEVIN CROWLEY, ESQ.	
18	Attorneys for Plaintiffs	
19	Dated:/s/. Dec. 15, 2017 RANKIN STOCK HEABERLIN	
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21	By: <u>/s/ Jon A. Heaberlin</u> JON A. HEABERLIN	
22	Attorneys for Defendants	
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ORDER Plaintiff NANCY MARTINEZ shall decide by January 15, 2018 whether she intends to litigate any claims relating to her April 29, 2017 incident in connection with the present litigation. Should she elect to litigate the new claims with this case, she must file an proposed a stipulation or motion for leave to file an amended complaint by January 15, 2018. If she does so, the parties shall immediately meet and confer on an expedited discovery plan that contemplates the new claims, but does not affect the case schedule as ordered by the Court in the Amended Scheduling Order and Order Dismissing Summary Judgment as Moot (Docket 71) with the following exceptions: the Court will consider a reasonable extension on the fact discovery cut-off, and expert disclosure deadlines to the extent those implicate the new claims only. IT IS SO ORDERED. Dated: December 19, 2017